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8 **BEFORE THE**  
9 **MEDICAL BOARD OF CALIFORNIA**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

13 **MARGARET L. SALMON, M.D.**

14 **2753 23rd Street**  
15 **San Francisco, CA 94110-3443**

16 **Physician's and Surgeon's Certificate No. A**  
17 **112137**

18 Respondent.

Case No. 800-2018-043687

**STIPULATED SETTLEMENT AND  
DISCIPLINARY ORDER**

19  
20 In the interest of a prompt and speedy settlement of this matter, consistent with the public  
21 interest and the responsibility of the Medical Board of California of the Department of Consumer  
22 Affairs, the parties hereby agree to the following Stipulated Settlement and Disciplinary Order  
23 which will be submitted to the Board for approval and adoption as the final disposition of the  
24 Accusation.

25 **PARTIES**

26 1. Kimberly Kirchmeyer (Complainant) is the Executive Director of the Medical Board  
27 of California (Board). She brought this action solely in her official capacity and is represented in  
28

1 this matter by Xavier Becerra, Attorney General of the State of California, by Greg W. Chambers,  
2 Deputy Attorney General.

3 2. Respondent Margaret L. Salmon, M.D. (Respondent) is represented in this proceeding  
4 by attorney Adam G. Slote, One Embarcadero Center, Suite 400, San Francisco, CA 94111.

5 3. On or about April 28, 2010, the Board issued Physician's and Surgeon's Certificate  
6 No. A 112137 to Margaret L. Salmon, M.D. (Respondent). The Physician's and Surgeon's  
7 Certificate was in full force and effect at all times relevant to the charges brought in Accusation  
8 No. 800-2018-043687, and will expire on September 30, 2019, unless renewed.

9 **JURISDICTION**

10 4. Accusation No. 800-2018-043687 was filed before the Board, and is currently  
11 pending against Respondent. The Accusation and all other statutorily required documents were  
12 properly served on Respondent on May 29, 2019. Respondent timely filed her Notice of Defense  
13 contesting the Accusation.

14 5. A copy of Accusation No. 800-2018-043687 is attached as exhibit A and incorporated  
15 herein by reference.

16 **ADVISEMENT AND WAIVERS**

17 6. Respondent has carefully read, fully discussed with counsel, and understands the  
18 charges and allegations in Accusation No. 800-2018-043687. Respondent has also carefully read,  
19 fully discussed with counsel, and understands the effects of this Stipulated Settlement and  
20 Disciplinary Order.

21 7. Respondent is fully aware of her legal rights in this matter, including the right to a  
22 hearing on the charges and allegations in the Accusation; the right to confront and cross-examine  
23 the witnesses against her; the right to present evidence and to testify on her own behalf; the right  
24 to the issuance of subpoenas to compel the attendance of witnesses and the production of  
25 documents; the right to reconsideration and court review of an adverse decision; and all other  
26 rights accorded by the California Administrative Procedure Act and other applicable laws.

27 8. Respondent voluntarily, knowingly, and intelligently waives and gives up each and  
28 every right set forth above.

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10. For the purpose of resolving the Accusation without the expense and uncertainty of further proceedings, Respondent agrees that, at a hearing, Complainant could establish a factual basis for the charges in the Accusation, and that Respondent hereby gives up her right to contest those charges.

12. Respondent agrees that her Physician's and Surgeon's Certificate is subject to discipline and she agrees to be bound by the Board's probationary terms as set forth in the Disciplinary Order below.

13. This stipulation shall be subject to approval by the Medical Board of California. Respondent understands and agrees that counsel for Complainant and the staff of the Medical Board of California may communicate directly with the Board regarding this stipulation and settlement, without notice to or participation by Respondent or her counsel. By signing the stipulation, Respondent understands and agrees that she may not withdraw her agreement or seek to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order, the Stipulated Settlement and Disciplinary Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not be disqualified from further action by having considered this matter.

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15. In consideration of the foregoing admissions and stipulations, the parties agree that the Board may, without further notice or formal proceeding, issue and enter the following Disciplinary Order:

**DISCIPLINARY ORDER**

IT IS HEREBY ORDERED that Physician's and Surgeon's Certificate No. A 112137 issued to Respondent Margaret L. Salmon, M.D. is revoked. However, the revocation is stayed and Respondent is placed on probation for four (4) years on the following terms and conditions.

1. CONTROLLED SUBSTANCES - ABSTAIN FROM USE. Respondent shall abstain completely from the personal use or possession of controlled substances as defined in the California Uniform Controlled Substances Act, dangerous drugs as defined by Business and Professions Code section 4022, and any drugs requiring a prescription. This prohibition does not apply to medications lawfully prescribed to Respondent by another practitioner for a bona fide illness or condition.

Within fifteen (15) calendar days of receiving any lawfully prescribed medications, Respondent shall notify the Board or its designee of the: issuing practitioner's name, address, and telephone number; medication name, strength, and quantity; and issuing pharmacy name, address, and telephone number.

2. ALCOHOL - ABSTAIN FROM USE. Respondent shall abstain completely from the use of products or beverages containing alcohol.

3. PROFESSIONALISM PROGRAM (ETHICS COURSE). Within sixty (60) calendar days of the effective date of this Decision, Respondent shall enroll in a professionalism program that meets the requirements of Title 16, California Code of Regulations (CCR) section 1358.1. Respondent shall participate in and successfully complete that program. Respondent shall provide any information and documents that the program may deem pertinent. Respondent shall successfully complete the classroom component of the program not later than six (6) months after Respondent's initial enrollment, and the longitudinal component of the program not later than the time specified by the program, but no later than one (1) year after attending the classroom component. The professionalism program shall be at Respondent's expense and shall be in

1 addition to the Continuing Medical Education (CME) requirements for renewal of licensure.

2 A professionalism program taken after the acts that gave rise to the charges in the  
3 Accusation, but prior to the effective date of the Decision may, in the sole discretion of the Board  
4 or its designee, be accepted towards the fulfillment of this condition if the program would have  
5 been approved by the Board or its designee had the program been taken after the effective date of  
6 this Decision.

7 Respondent shall submit a certification of successful completion to the Board or its  
8 designee not later than fifteen (15) calendar days after successfully completing the program or not  
9 later than fifteen (15) calendar days after the effective date of the Decision, whichever is later.

10 4. PSYCHOTHERAPY. Within sixty (60) calendar days of the effective date of this  
11 Decision, Respondent shall submit to the Board or its designee for prior approval the name and  
12 qualifications of a California-licensed board certified psychiatrist or a licensed psychologist who  
13 has a doctoral degree in psychology and at least five years of postgraduate experience in the  
14 diagnosis and treatment of emotional and mental disorders. Upon approval, Respondent shall  
15 undergo and continue psychotherapy treatment, including any modifications to the frequency of  
16 psychotherapy, until the Board or its designee deems that no further psychotherapy is necessary.

17 The psychotherapist shall consider any information provided by the Board or its designee  
18 and any other information the psychotherapist deems relevant and shall furnish a written  
19 evaluation report to the Board or its designee. Respondent shall cooperate in providing the  
20 psychotherapist with any information and documents that the psychotherapist may deem  
21 pertinent.

22 Respondent shall have the treating psychotherapist submit quarterly status reports to the  
23 Board or its designee. The Board or its designee may require Respondent to undergo psychiatric  
24 evaluations by a Board-appointed board certified psychiatrist. If, prior to the completion of  
25 probation, Respondent is found to be mentally unfit to resume the practice of medicine without  
26 restrictions, the Board shall retain continuing jurisdiction over Respondent's license and the  
27 period of probation shall be extended until the Board determines that Respondent is mentally fit  
28 to resume the practice of medicine without restrictions.

1 Respondent shall pay the cost of all psychotherapy and psychiatric evaluations.

2 5. SOLO PRACTICE PROHIBITION. Respondent is prohibited from engaging in the  
3 solo practice of medicine. Prohibited solo practice includes, but is not limited to, a practice  
4 where: 1) Respondent merely shares office space with another physician but is not affiliated for  
5 purposes of providing patient care, or 2) Respondent is the sole physician practitioner at that  
6 location.

7 If Respondent fails to establish a practice with another physician or secure employment in  
8 an appropriate practice setting within sixty (60) calendar days of the effective date of this  
9 Decision, Respondent shall receive a notification from the Board or its designee to cease the  
10 practice of medicine within three (3) calendar days after being so notified. The Respondent shall  
11 not resume practice until an appropriate practice setting is established.

12 If, during the course of the probation, the Respondent's practice setting changes and the  
13 Respondent is no longer practicing in a setting in compliance with this Decision, the Respondent  
14 shall notify the Board or its designee within five (5) calendar days of the practice setting change.  
15 If Respondent fails to establish a practice with another physician or secure employment in an  
16 appropriate practice setting within sixty (60) calendar days of the practice setting change,  
17 Respondent shall receive a notification from the Board or its designee to cease the practice of  
18 medicine within three (3) calendar days after being so notified. The Respondent shall not resume  
19 practice until an appropriate practice setting is established.

20 6. LIMITATION OF PRACTICE. During probation, Respondent is prohibited from  
21 practicing medicine during overnight shifts.

22 7. NOTICE OF EMPLOYER OR SUPERVISOR INFORMATION. Within seven (7)  
23 days of the effective date of this Decision, Respondent shall provide to the Board the names,  
24 physical addresses, mailing addresses, and telephone numbers of any and all employers and  
25 supervisors. Respondent shall also provide specific, written consent for the Board, Respondent's  
26 worksite monitor, and Respondent's employers and supervisors to communicate regarding  
27 Respondent's work status, performance, and monitoring.

28 For purposes of this section, "supervisors" shall include the Chief of Staff and Health or

1 Well Being Committee Chair, or equivalent, if applicable, when the Respondent has medical staff  
2 privileges.

3 8. BIOLOGICAL FLUID TESTING. Respondent shall immediately submit to  
4 biological fluid testing, at Respondent's expense, upon request of the Board or its designee.  
5 "Biological fluid testing" may include, but is not limited to, urine, blood, breathalyzer, hair  
6 follicle testing, or similar drug screening approved by the Board or its designee. Respondent shall  
7 make daily contact with the Board or its designee to determine whether biological fluid testing is  
8 required. Respondent shall be tested on the date of the notification as directed by the Board or its  
9 designee. The Board may order a Respondent to undergo a biological fluid test on any day, at  
10 any time, including weekends and holidays. Except when testing on a specific date as ordered by  
11 the Board or its designee, the scheduling of biological fluid testing shall be done on a random  
12 basis. The cost of biological fluid testing shall be borne by the Respondent.

13 During the first year of probation, Respondent shall be subject to 52 to 104 random tests.  
14 During the second year of probation and for the duration of the probationary term, up to five (5)  
15 years, Respondent shall be subject to 36 to 104 random tests per year. Only if there has been no  
16 positive biological fluid tests in the previous five (5) consecutive years of probation, may testing  
17 be reduced to one (1) time per month. Nothing precludes the Board from increasing the number  
18 of random tests to the first-year level of frequency for any reason.

19 Prior to practicing medicine, Respondent shall contract with a laboratory or service,  
20 approved in advance by the Board or its designee, that will conduct random, unannounced,  
21 observed, biological fluid testing and meets all of the following standards:

- 22 (a) Its specimen collectors are either certified by the Drug and Alcohol Testing Industry  
23 Association or have completed the training required to serve as a collector for the United  
24 States Department of Transportation.
- 25 (b) Its specimen collectors conform to the current United States Department of  
26 Transportation Specimen Collection Guidelines.
- 27 (c) Its testing locations comply with the Urine Specimen Collection Guidelines published  
28 by the United States Department of Transportation without regard to the type of test



- 1 administered.
- 2 (d) Its specimen collectors observe the collection of testing specimens.
- 3 (e) Its laboratories are certified and accredited by the United States Department of Health  
4 and Human Services.
- 5 (f) Its testing locations shall submit a specimen to a laboratory within one (1) business day  
6 of receipt and all specimens collected shall be handled pursuant to chain of custody  
7 procedures. The laboratory shall process and analyze the specimens and provide legally  
8 defensible test results to the Board within seven (7) business days of receipt of the  
9 specimen. The Board will be notified of non-negative results within one (1) business day  
10 and will be notified of negative test results within seven (7) business days.
- 11 (g) Its testing locations possess all the materials, equipment, and technical expertise  
12 necessary in order to test Respondent on any day of the week.
- 13 (h) Its testing locations are able to scientifically test for urine, blood, and hair specimens  
14 for the detection of alcohol and illegal and controlled substances.
- 15 (i) It maintains testing sites located throughout California.
- 16 (j) It maintains an automated 24-hour toll-free telephone system and/or a secure on-line  
17 computer database that allows the Respondent to check in daily for testing.
- 18 (k) It maintains a secure, HIPAA-compliant website or computer system that allows staff  
19 access to drug test results and compliance reporting information that is available 24 hours a  
20 day.
- 21 (l) It employs or contracts with toxicologists that are licensed physicians and have  
22 knowledge of substance abuse disorders and the appropriate medical training to interpret  
23 and evaluate laboratory biological fluid test results, medical histories, and any other  
24 information relevant to biomedical information.
- 25 (m) It will not consider a toxicology screen to be negative if a positive result is obtained  
26 while practicing, even if the Respondent holds a valid prescription for the substance.
- 27 Prior to changing testing locations for any reason, including during vacation or other travel,  
28 alternative testing locations must be approved by the Board and meet the requirements above.

1 The contract shall require that the laboratory directly notify the Board or its designee of  
2 non-negative results within one (1) business day and negative test results within seven (7)  
3 business days of the results becoming available. Respondent shall maintain this laboratory or  
4 service contract during the period of probation.

5 A certified copy of any laboratory test result may be received in evidence in any  
6 proceedings between the Board and Respondent.

7 If a biological fluid test result indicates Respondent has used, consumed, ingested, or  
8 administered to himself or herself a prohibited substance, the Board shall order Respondent to  
9 cease practice and instruct Respondent to leave any place of work where Respondent is practicing  
10 medicine or providing medical services. The Board shall immediately notify all of Respondent's  
11 employers, supervisors and work monitors, if any, that Respondent may not practice medicine or  
12 provide medical services while the cease-practice order is in effect.

13 A biological fluid test will not be considered negative if a positive result is obtained while  
14 practicing, even if the practitioner holds a valid prescription for the substance. If no prohibited  
15 substance use exists, the Board shall lift the cease-practice order within one (1) business day.

16 After the issuance of a cease-practice order, the Board shall determine whether the positive  
17 biological fluid test is in fact evidence of prohibited substance use by consulting with the  
18 specimen collector and the laboratory, communicating with the licensee, his or her treating  
19 physician(s), other health care provider, or group facilitator, as applicable.

20 For purposes of this condition, the terms "biological fluid testing" and "testing" mean the  
21 acquisition and chemical analysis of a Respondent's urine, blood, breath, or hair.

22 For purposes of this condition, the term "prohibited substance" means an illegal drug, a  
23 lawful drug not prescribed or ordered by an appropriately licensed health care provider for use by  
24 Respondent and approved by the Board, alcohol, or any other substance the Respondent has been  
25 instructed by the Board not to use, consume, ingest, or administer to himself or herself.

26 If the Board confirms that a positive biological fluid test is evidence of use of a prohibited  
27 substance, Respondent has committed a major violation, as defined in section 1361.52(a), and the  
28 Board shall impose any or all of the consequences set forth in section 1361.52(b), in addition to

1 any other terms or conditions the Board determines are necessary for public protection or to  
2 enhance Respondent's rehabilitation.

3 9. WORKSITE MONITOR FOR SUBSTANCE-ABUSING LICENSEE. Within thirty  
4 (30) calendar days of the effective date of this Decision, Respondent shall submit to the Board or  
5 its designee for prior approval as a worksite monitor, the name and qualifications of one or more  
6 licensed physician and surgeon, other licensed health care professional if no physician and  
7 surgeon is available, or, as approved by the Board or its designee, a person in a position of  
8 authority who is capable of monitoring the Respondent at work.

9 The worksite monitor shall not have a current or former financial, personal, or familial  
10 relationship with Respondent, or any other relationship that could reasonably be expected to  
11 compromise the ability of the monitor to render impartial and unbiased reports to the Board or its  
12 designee. If it is impractical for anyone but Respondent's employer to serve as the worksite  
13 monitor, this requirement may be waived by the Board or its designee, however, under no  
14 circumstances shall Respondent's worksite monitor be an employee or supervisee of the licensee.

15 The worksite monitor shall have an active unrestricted license with no disciplinary action  
16 within the last five (5) years, and shall sign an affirmation that he or she has reviewed the terms  
17 and conditions of Respondent's disciplinary order and agrees to monitor Respondent as set forth  
18 by the Board or its designee.

19 Respondent shall pay all worksite monitoring costs.

20 The worksite monitor shall have face-to-face contact with Respondent in the work  
21 environment on as frequent a basis as determined by the Board or its designee, but not less than  
22 once per week; interview other staff in the office regarding Respondent's behavior, if requested  
23 by the Board or its designee; and review Respondent's work attendance.

24 The worksite monitor shall verbally report any suspected substance abuse to the Board and  
25 Respondent's employer or supervisor within one (1) business day of occurrence. If the suspected  
26 substance abuse does not occur during the Board's normal business hours, the verbal report shall  
27 be made to the Board or its designee within one (1) hour of the next business day. A written  
28 report that includes the date, time, and location of the suspected abuse; Respondent's actions; and

any other information deemed important by the worksite monitor shall be submitted to the Board or its designee within 48 hours of the occurrence.

The worksite monitor shall complete and submit a written report monthly or as directed by the Board or its designee which shall include the following: (1) Respondent's name and Physician's and Surgeon's Certificate number; (2) the worksite monitor's name and signature; (3) the worksite monitor's license number, if applicable; (4) the location or location(s) of the worksite; (5) the dates Respondent had face-to-face contact with the worksite monitor; (6) the names of worksite staff interviewed, if applicable; (7) a report of Respondent's work attendance; (8) any change in Respondent's behavior and/or personal habits; and (9) any indicators that can lead to suspected substance abuse by Respondent. Respondent shall complete any required consent forms and execute agreements with the approved worksite monitor and the Board, or its designee, authorizing the Board, or its designee, and worksite monitor to exchange information.

If the worksite monitor resigns or is no longer available, Respondent shall, within five (5) calendar days of such resignation or unavailability, submit to the Board or its designee, for prior approval, the name and qualifications of a replacement monitor who will be assuming that responsibility within fifteen (15) calendar days. If Respondent fails to obtain approval of a replacement monitor within sixty (60) calendar days of the resignation or unavailability of the monitor, Respondent shall receive a notification from the Board or its designee to cease the practice of medicine within three (3) calendar days after being so notified. Respondent shall cease the practice of medicine until a replacement monitor is approved and assumes monitoring responsibility.

10. VIOlation OF PROBATION CONDITION FOR SUBSTANCE ABUSING LICENSEES. Failure to fully comply with any term or condition of probation is a violation of probation.

A. If Respondent commits a major violation of probation as defined by section 1361.52, subdivision (a), of Title 16 of the California Code of Regulations, the Board shall take one or more of the following actions:

(1) Issue an immediate cease-practice order and order Respondent to undergo a clinical

1 diagnostic evaluation to be conducted in accordance with section 1361.5, subdivision (c)(1), of  
2 Title 16 of the California Code of Regulations, at Respondent's expense. The cease-practice  
3 order issued by the Board or its designee shall state that Respondent must test negative for at least  
4 a month of continuous biological fluid testing before being allowed to resume practice. For  
5 purposes of determining the length of time a Respondent must test negative while undergoing  
6 continuous biological fluid testing following issuance of a cease-practice order, a month is  
7 defined as thirty (30) calendar days. Respondent may not resume the practice of medicine until  
8 notified in writing by the Board or its designee that he or she may do so.

9 (2) Increase the frequency of biological fluid testing.

10 (3) Refer Respondent for further disciplinary action, such as suspension, revocation, or  
11 other action as determined by the Board or its designee.

12 B. If Respondent commits a minor violation of probation as defined by section  
13 1361.52, subdivision (c), of Title 16 of the California Code of Regulations, the Board shall take  
14 one or more of the following actions:

15 (1) Issue a cease-practice order;

16 (2) Order practice limitations;

17 (3) Order or increase supervision of Respondent;

18 (4) Order increased documentation;

19 (5) Issue a citation and fine, or a warning letter;

20 (6) Order Respondent to undergo a clinical diagnostic evaluation to be conducted in  
21 accordance with section 1361.5, subdivision (c)(1), of Title 16 of the California Code of  
22 Regulations, at Respondent's expense;

23 (7) Take any other action as determined by the Board or its designee.

24 C. Nothing in this Decision shall be considered a limitation on the Board's authority  
25 to revoke Respondent's probation if he or she has violated any term or condition of probation. If  
26 Respondent violates probation in any respect, the Board, after giving Respondent notice and the  
27 opportunity to be heard, may revoke probation and carry out the disciplinary order that was  
28 stayed. If an Accusation, or Petition to Revoke Probation, or an Interim Suspension Order is filed

1 against Respondent during probation, the Board shall have continuing jurisdiction until the matter  
2 is final, and the period of probation shall be extended until the matter is final.

3 11. NOTIFICATION. Within seven (7) days of the effective date of this Decision,  
4 Respondent shall provide a true copy of this Decision and Accusation to the Chief of Staff or the  
5 Chief Executive Officer at every hospital where privileges or membership are extended to  
6 Respondent, at any other facility where Respondent engages in the practice of medicine,  
7 including all physician and locum tenens registries or other similar agencies, and to the Chief  
8 Executive Officer at every insurance carrier which extends malpractice insurance coverage to  
9 Respondent. Respondent shall submit proof of compliance to the Board or its designee within  
10 fifteen (15) calendar days.

11 This condition shall apply to any change(s) in hospitals, other facilities or insurance carrier.

12 12. PATIENT DISCLOSURE. Before a patient's first visit following the effective date  
13 of this order and while the Respondent is on probation, the Respondent must provide all patients,  
14 or patient's guardian or health care surrogate, with a separate disclosure that includes the  
15 Respondent's probation status, the length of the probation, the probation end date, all practice  
16 restrictions placed on the respondent by the board, the board's telephone number, and an  
17 explanation of how the patient can find further information on the respondent's probation on the  
18 Respondent's profile page on the board's website. Respondent shall obtain from the patient, or  
19 the patient's guardian or health care surrogate, a separate, signed copy of that disclosure.  
20 Respondent shall not be required to provide a disclosure if any of the following applies: (1) The  
21 patient is unconscious or otherwise unable to comprehend the disclosure and sign the copy of the  
22 disclosure and a guardian or health care surrogate is unavailable to comprehend the disclosure  
23 and sign the copy; (2) The visit occurs in an emergency room or an urgent care facility or the visit  
24 is unscheduled, including consultations in inpatient facilities; (3) Respondent is not known to the  
25 patient until immediately prior to the start of the visit; (4) Respondent does not have a direct  
26 treatment relationship with the patient.

27 13. OBEY ALL LAWS. Respondent shall obey all federal, state and local laws, all rules  
28 governing the practice of medicine in California and remain in full compliance with any court

ordered criminal probation, payments, and other orders.

14. QUARTERLY DECLARATIONS. Respondent shall submit quarterly declarations under penalty of perjury on forms provided by the Board, stating whether there has been compliance with all the conditions of probation.

Respondent shall submit quarterly declarations not later than ten (10) calendar days after the end of the preceding quarter.

15. GENERAL PROBATION REQUIREMENTS.

Compliance with Probation Unit

Respondent shall comply with the Board's probation unit.

Address Changes

Respondent shall, at all times, keep the Board informed of Respondent's business and residence addresses, email address (if available), and telephone number. Changes of such addresses shall be immediately communicated in writing to the Board or its designee. Under no circumstances shall a post office box serve as an address of record, except as allowed by Business and Professions Code section 2021(b).

Place of Practice

Respondent shall not engage in the practice of medicine in Respondent's or patient's place of residence, unless the patient resides in a skilled nursing facility or other similar licensed facility.

License Renewal

Respondent shall maintain a current and renewed California physician's and surgeon's license.

Travel or Residence Outside California

Respondent shall immediately inform the Board or its designee, in writing, of travel to any areas outside the jurisdiction of California which lasts, or is contemplated to last, more than thirty (30) calendar days.

In the event Respondent should leave the State of California to reside or to practice, Respondent shall notify the Board or its designee in writing thirty (30) calendar days prior to the

1 dates of departure and return.

2 16. INTERVIEW WITH THE BOARD OR ITS DESIGNEE. Respondent shall be  
3 available in person upon request for interviews either at Respondent's place of business or at the  
4 probation unit office, with or without prior notice throughout the term of probation.

5 17. NON-PRACTICE WHILE ON PROBATION. Respondent shall notify the Board or  
6 its designee in writing within fifteen (15) calendar days of any periods of non-practice lasting  
7 more than 30 calendar days and within fifteen (15) calendar days of Respondent's return to  
8 practice. Non-practice is defined as any period of time Respondent is not practicing medicine as  
9 defined in Business and Professions Code sections 2051 and 2052 for at least forty (40) hours in a  
10 calendar month in direct patient care, clinical activity or teaching, or other activity as approved by  
11 the Board. If Respondent resides in California and is considered to be in non-practice,  
12 Respondent shall comply with all terms and conditions of probation. All time spent in an  
13 intensive training program which has been approved by the Board or its designee shall not be  
14 considered non-practice and does not relieve Respondent from complying with all the terms and  
15 conditions of probation. Practicing medicine in another state of the United States or Federal  
16 jurisdiction while on probation with the medical licensing authority of that state or jurisdiction  
17 shall not be considered non-practice. A Board-ordered suspension of practice shall not be  
18 considered as a period of non-practice.

19 In the event Respondent's period of non-practice while on probation exceeds 18 calendar  
20 months, Respondent shall successfully complete the Federation of State Medical Boards' Special  
21 Purpose Examination, or, at the Board's discretion, a clinical competence assessment program  
22 that meets the criteria of Condition 18 of the current version of the Board's "Manual of Model  
23 Disciplinary Orders and Disciplinary Guidelines" prior to resuming the practice of medicine.

24 Respondent's period of non-practice while on probation shall not exceed two (2) years.

25 Periods of non-practice will not apply to the reduction of the probationary term.

26 Periods of non-practice for a Respondent residing outside of California will relieve  
27 Respondent of the responsibility to comply with the probationary terms and conditions with the  
28 exception of this condition and the following terms and conditions of probation: Obey All Laws;



1 General Probation Requirements; Quarterly Declarations; Abstain from the Use of Alcohol and/or  
2 Controlled Substances; and Biological Fluid Testing.

3 18. COMPLETION OF PROBATION. Respondent shall comply with all financial  
4 obligations (e.g., restitution, probation costs) not later than one hundred twenty (120) calendar  
5 days prior to the completion of probation. Upon successful completion of probation,  
6 Respondent's certificate shall be fully restored.

7 19. VIOLATION OF PROBATION. Failure to fully comply with any term or condition  
8 of probation is a violation of probation. If Respondent violates probation in any respect, the  
9 Board, after giving Respondent notice and the opportunity to be heard, may revoke probation and  
10 carry out the disciplinary order that was stayed. If an Accusation, or Petition to Revoke  
11 Probation, or an Interim Suspension Order is filed against Respondent during probation, the  
12 Board shall have continuing jurisdiction until the matter is final, and the period of probation shall  
13 be extended until the matter is final.

14 20. LICENSE SURRENDER. Following the effective date of this Decision, if  
15 Respondent ceases practicing due to retirement or health reasons or is otherwise unable to satisfy  
16 the terms and conditions of probation, Respondent may request to surrender his or her license.  
17 The Board reserves the right to evaluate Respondent's request and to exercise its discretion in  
18 determining whether or not to grant the request, or to take any other action deemed appropriate  
19 and reasonable under the circumstances. Upon formal acceptance of the surrender, Respondent  
20 shall within 15 calendar days deliver Respondent's wallet and wall certificate to the Board or its  
21 designee and Respondent shall no longer practice medicine. Respondent will no longer be subject  
22 to the terms and conditions of probation. If Respondent re-applies for a medical license, the  
23 application shall be treated as a petition for reinstatement of a revoked certificate.

24 21. PROBATION MONITORING COSTS. Respondent shall pay the costs associated  
25 with probation monitoring each and every year of probation, as designated by the Board, which  
26 may be adjusted on an annual basis. Such costs shall be payable to the Medical Board of  
27 California and delivered to the Board or its designee no later than January 31 of each calendar  
28 year.

**ACCEPTANCE**

I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully discussed it with my attorney, Adam G. Slote. I understand the stipulation and the effect it will have on my Physician's and Surgeon's Certificate. I enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Medical Board of California.

DATED:

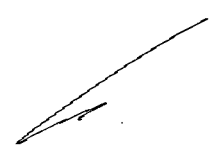
07/08/19

  
MARGARET L. SALMON, M.D.  
*Respondent*

I have read and fully discussed with Respondent Margaret L. Salmon, M.D. the terms and conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order. I approve its form and content.

DATED:

July 9, 2019

  
ADAM G. SLOTE  
*Attorney for Respondent*

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**ENDORSEMENT**

The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the Medical Board of California.

DATED: July 9, 2019

Respectfully submitted,

XAVIER BECERRA  
Attorney General of California  
MARY CAIN-SIMON  
Supervising Deputy Attorney General

*Greg W. Chambers*

GREG W. CHAMBERS  
Deputy Attorney General  
*Attorneys for Complainant*

**Exhibit A**

**Accusation No. 800-2018-043687**

1 XAVIER BECERRA  
Attorney General of California  
2 MARY CAIN-SIMON  
Supervising Deputy Attorney General  
3 GREG W. CHAMBERS  
Deputy Attorney General  
4 State Bar No. 237509  
455 Golden Gate Avenue, Suite 11000  
5 San Francisco, CA 94102-7004  
Telephone: (415) 510-3382  
6 Facsimile: (415) 703-5480  
*Attorneys for Complainant*

FILED  
STATE OF CALIFORNIA  
MEDICAL BOARD OF CALIFORNIA  
SACRAMENTO May 29 2019  
BY [Signature] ANALYST

8 **BEFORE THE**  
9 **MEDICAL BOARD OF CALIFORNIA**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 800-2018-043687

13 **Margaret L. Salmon, M.D.**  
14 **2753 23rd Street**  
15 **San Francisco, CA 94110-3443**

**ACCUSATION**

16 **Physician's and Surgeon's Certificate**  
17 **No. A 112137,**

Respondent.

18  
19 Complainant alleges:

20 **PARTIES**

21 1. Kimberly Kirchmeyer (Complainant) brings this Accusation solely in her official  
22 capacity as the Executive Director of the Medical Board of California, Department of Consumer  
23 Affairs (Board).

24 2. On or about April 28, 2010, the Medical Board issued Physician's and Surgeon's  
25 Certificate Number A 112137 to Margaret L. Salmon, M.D. (Respondent). The Physician's and  
26 Surgeon's Certificate was in full force and effect at all times relevant to the charges brought  
27 herein and will expire on September 30, 2019, unless renewed.  
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1 the patient's residence, D.S. counted nine (9) pills in the patient's alprazolam<sup>1</sup> bottle and,  
2 subsequent to arriving at the hospital, handed the pill bottle to the ER charge nurse, K.M., R.N.

3 9. On April 5, 2018, nurse K.M. received a pill bottle from Firefighter-Engineer D.S.  
4 and conducted a pill count, confirming nine (9) pills in the bottle. Dr. Salmon grabbed the bottle  
5 out of nurse K.M.'s hand and left the patient treatment area. Nurse K.M. could not find Dr.  
6 Salmon and when she eventually did find her, nurse K.M. asked for and received the pill bottle  
7 back. Nurse K.M. then noted that only eight (8) pills were in the bottle and reported the incident  
8 to hospital administrative staff.

9 10. Because of the pill count discrepancy, Dr. Salmon was asked to provide a urine  
10 toxicology screen, which subsequently returned positive for the following substances: alcohol  
11 metabolites; tramadol<sup>2</sup>; alprazolam; clonazepam<sup>3</sup>; codeine<sup>4</sup>; morphine<sup>5</sup>; hydrocodone<sup>6</sup>;  
12 norhydrocodone; and norcodeine.

13 11. Dr. Salmon claims that she took an alprazolam pill while waiting to take the urine  
14 toxicology test on April 5, 2018, because she was having a "panic attack."

15 12. Dr. Salmon does not have a current prescription for alprazolam and claims that she  
16 received the alprazolam from a treating physician in Africa.

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17 <sup>1</sup> Alprazolam, known by the trade name Xanax, is a psychotropic triazolo analogue of the  
18 1,4 benzodiazepine class of central nervous system-active compounds. Xanax is used for the  
19 management of anxiety disorders or for the short-term relief of the symptoms of anxiety. It is a  
dangerous drug as defined in section 4022 and a schedule IV controlled substance and narcotic as  
defined by section 11057, subdivision (d) of the Health and Safety Code.

20 <sup>2</sup> Tramadol, known the trade name, Ultram, is a centrally acting synthetic analgesic  
compound. It is a dangerous drug as defined in section 4022 of the Business and Professions  
21 Code, and a schedule II controlled substance as defined by section 11057 of the Health and Safety  
Code. Tramadol is indicated for the management of moderate to moderately severe pain.

22 <sup>3</sup> Clonazepam is a benzodiazepine, a central nervous system (CNS) depressant. Some  
benzodiazepines are used to relieve anxiety. However, benzodiazepines should not be used to  
23 relieve nervousness or tension caused by the stress of everyday life. Some benzodiazepines are  
used to treat insomnia. However, if used regularly for insomnia, they usually are not effective for  
24 more than a few weeks.

25 <sup>4</sup> Codeine is a narcotic analgesic and CNS depressant. Codeine is known to be subject to  
abuse and must be administered only under close supervision to patients with a history of drug  
abuse or dependence.

26 <sup>5</sup> Morphine sulfate is for use in patients who require a potent opioid analgesic for relief of  
moderate to severe pain. Morphine is a dangerous drug as defined in section 4022, a schedule II  
27 controlled substance and narcotic as defined by section 11055, subdivision (b)(1) of the Health  
and Safety Code.

28 <sup>6</sup> Hydrocodone is a dangerous drug as defined in section 4022 and a Schedule III  
controlled substance and narcotic as defined by section 11056 of the Health and Safety Code.

13. On November 16, 2018, the Board entered an Order Compelling Psychiatric Evaluation of Licensee ordering Respondent to submit to an examination to be conducted by a physician and surgeon specializing in psychiatry to be selected by the Board or its designee to determine if Respondent were mentally ill to such an extent as to affect her ability to practice medicine.

14. On December 12, 2018, Respondent underwent a full evaluation by a Board appointed psychiatrist.

15. In a report to the Board dated February 14, 2019, the psychiatrist concluded that Dr. Salmon has a Circadian Rhythm Sleep-Wake disorder, and an Anxiolytic Use Disorder relating to medication for anxiety. The psychiatrist opined “that Dr. Salmon is *not* able to practice medicine safely at this time without certain restrictions or conditions. In other words, she *does require certain restrictions or conditions* to practice medicine safely.” (Emphasis original.) The psychiatrist concluded that without the imposition of certain restrictions or conditions to Dr. Salmon’s physician’s and surgeon’s certificate, Dr. Salmon presents a risk to patient safety.

**CAUSE FOR DISCIPLINE**

**(Mental Impairment)**

16. Respondent's certificate is subject to Board action pursuant to Sections 822, 2227, and 2239 of the Code, in that due to a mental illness and her controlled substance use, her ability to practice medicine safely is impaired.

## PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Medical Board of California issue a decision:

1. Revoking or suspending Physician's and Surgeon's Certificate Number A 112137,  
issued to Margaret L. Salmon, M.D.;

2. Revoking, suspending or denying approval of Margaret L. Salmon, M.D.'s authority to supervise physician assistants and advanced practice nurses;

3. Ordering Margaret L. Salmon, M.D., if placed on probation, to pay the Board the costs of probation monitoring; and



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4. Taking such other and further action as deemed necessary and proper.

DATED:  
May 29, 2019



KIMBERLY KIRCHMEYER  
Executive Director  
Medical Board of California  
Department of Consumer Affairs  
State of California  
*Complainant*